

Remarks

In the Action dated December 14, 2001, the U.S. Patent and Trademark Office required restriction under 35 U.S.C. §121 from among the following groups:

- I. Claims 1-16, 25-35, 38-39 and 49, drawn to a nucleic acid, cells and plants transformed with that nucleic acid and a method of generating a transgenic plant, classified in class 800, subclass 278, for example.
- II. Claims 17-24 and 50, drawn to a protein, classified in class 530, subclass 350, for example.
- III. Claims 36-37, drawn to computer readable medium, classified in class 360, subclass 131, for example.
- IV. Claim 40, drawn to a method for identifying a gene for an insect inhibitory protein, classified in class 435, subclass 91.1, for example.
- V. Claims 41-48, drawn to a method for identifying plasmid DNA of a *Bacillus* species, classified in class 435, subclass 6, for example.

Applicants elect Group III consisting of Claims 36-37 without traverse and respectfully requests that the application be examined on the merits. Further, Applicants reserve the right to file divisional applications to further prosecute non-elected groups.

Should any questions arise or if Applicants or Applicants' attorney can facilitate the examination of this application, it is respectfully requested that the PTO contact the undersigned attorney.

Respectfully submitted,



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